

DELEGATE CHABOT: I guess the sentiment of the Convention is that it had better be. I withdraw it.

*(Applause.)*

THE CHAIRMAN: Delegate Schloeder, for what purpose do you rise?

DELEGATE SCHLOEDER: A parliamentary inquiry.

THE CHAIRMAN: State the inquiry.

DELEGATE SCHLOEDER: I would like at some later time and prior to an executive session to inquire further as to what is contagious and what is not.

THE CHAIRMAN: Delegate Weidemeyer, do you still desire to offer your amendment?

DELEGATE WEIDEMEYER: Yes, Mr. President. I have been inoculated.

THE CHAIRMAN: Let the pages distribute amendment CT, and while they are doing so, the Chair would like to announce that there is one other amendment to this section yet to be acted upon. I would hope that we could act on both before recess for lunch, and would hope that we would not postpone lunch.

This will be Amendment No. 42. The Clerk will read the amendment.

READING CLERK: Amendment No. 42 to Committee Recommendation JB-1 by Delegate Weidemeyer: On page 6, section 5.21 Term of Office of Judge strike out line 41 and insert in lieu thereof the following: "be determined in a general election by the elec-"; and on page 6 after line 43 insert: "electorate shall have the choice of approving the incumbent judge or any opponent who may file against him, or of rejecting all the candidates on the ballot. The"; and on pages 6 and 7 strike out the last sentence in the section and insert in lieu thereof the following: "A plurality of the votes cast shall determine the election. If a plurality of the votes are cast in favor of the rejection of all candidates, then no candidate shall be elected and a vacancy shall exist."

THE CHAIRMAN: The amendment is proposed by Delegate Weidemeyer. Is it seconded?

*(Whereupon, the amendment was duly seconded.)*

The amendment having been seconded, the Chair recognizes Delegate Weidemeyer to speak to the amendment.

DELEGATE WEIDEMEYER: Mr. President, members of the Convention, as you

will see, this amendment provides for the election of superior court judges and district court judges. It does not change the first part of section 5.23 down to line 43, but it strikes out line 41; it strikes out line 41 and inserts in lieu thereof "be determined in the general election by the electorate", and it also provides that the electorate shall have the choice of approving the incumbent judge or any opponent who may file against him, or of rejecting all of them.

That is very necessary, to my way of thinking. No matter how well we may select by a nominating commission or by a bar association, and many times our judgment in selecting individuals goes wrong — we think we selected the right man and in some areas I could conceive of where the man that we selected in all candor and with all good judgment turns out to be an autocratic man on the Bench — the record may not be brought in view by just voting rejection.

It may be that good men will qualify to take that judgeship, would hesitate to run against him and take the chance of losing and then have to practice before him.

It also could well be that some other individual, with very little judicial qualifications and a lot of courage did file against him; and so if you could vote to approve or reject the judge, or vote to approve and reject, or reject the opponent, then you would come up with a vacancy; and then you could start all over and hope in a new selection to get a good judge.

I think that this meets the democratic process. The judge can have no opponents. In that event, you vote for the judge or to reject the judge, and that is the strength of the Missouri plan. However, if we come with the Maryland plan, which this is, and add the democratic processes to it, then we allow opponents to file, and if we approve of one of the opponents, then he would be elected, and we would not have to go through the selection again; but if the opponent were not of the proper caliber, we could then by this amendment vote to reject them all. In the last part of the amendment, I have provided further that a mere plurality of votes cast shall determine the election. If a plurality of the votes cast are in favor of the rejection of all candidates, then no candidate shall be elected, and a vacancy shall exist.

Now, this is different from any plan that has come up before. It does not change the judicial selection plan, but does change that part of the Missouri plan in some little re-